IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.457 OF 2007

Sarpanch,Grampanchyat,Asudgaon ...Appellant

vs.

Chamelidevi Ramujagar Gupta & Anr. ...Respondents

Ms Deepa Sawant i/b Mr.C.G.Gavnekar for the Appellant

CORAM: A.S.OKA, J.
DATE : JUNE 14,2007.

P.C.:

1. Heard Advocate for the Appellant. The learned Advocate for the Appellant states that this Appeal from Order will be governed by order dated 15th April 2006 passed in the companion Appeal from Order No.266 of 2006.

2. The order which is impugned in this Appeal was passed by the lower court as back as on 16th April 1998. By this order the trial court allowed the application preferred by the respondent plaintiff at Exh.5 and granted interim relief which was to continue till final disposal of the suit. That order has operated against the appellant for all this time. At this distance of time, in my opinion, it will be inappropriate to dwell upon the contentious issues raised in this appeal. Instead leaving all issues to be decided on its own merits in the suit, this appeal is disposed of with direction to the Trial Court to finally dispose of the suit as expeditiously as possible, preferably by end of December 2007 as the suit

pertains to the year 1997.

3. Counsel for the appellant points out the decision of the Apex Court in the case of N.D.M.C. vs. Satish Chand reported in AIR 2003 S.C. 3187 which according to him has taken the view that the suit as is filed in the fact situation of the present case is not maintainable.

4. As mentioned earlier, the trial court will examine all the issues on its own merits in accordance with the law while considering final hearing of the suit. The Appeal is accordingly disposed of.

5. In view of this order, Civil Application is disposed of accordingly.

JUDGE